



Zoning Case No. C14-2008-0053

RESTRICTIVE COVENANT

OWNER: Lou Langford deLisser
 ADDRESS: 606 Winsford Road, Bryn Mawr, PA 19010
 OWNER: Gayle Langford Turner
 ADDRESS: P.O. Box 250, Prairie Lea, TX 78661
 OWNER: Robert Glass Langford
 ADDRESS: 1173 Isidora Trail, Lockhart, TX 78644
 OWNER: Jefferson M. Langford
 ADDRESS: P.O. Box 22205, Santa Fe, NM 87502

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 5.922 acre tract of land, more or less, out of the Santiago Del Valle Grant in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner, (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance Transportation Group, dated September, 2008, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated October 21, 2008. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

12-11-08
104

2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.
6. This Restrictive Covenant may be executed in any number of counterparts, each of which is deemed to be an original, and all of which are identical.

EXECUTED to be effective the 11th day of December, 2008.

OWNERS:

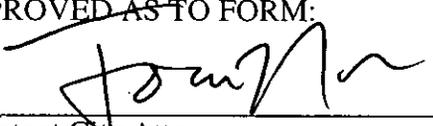
Lou Langford deLisser

Gayle Langford Turner

Robert Glass Langford

Jefferson M. Langford

APPROVED AS TO FORM:



Assistant City Attorney
City of Austin

(SIGNATURE AND ACKNOWLEDGEMENT PAGES TO FOLLOW)

SIGNATURE PAGE FOR
LOU LANGFORD DELISSER

Lou Langford deLisser
Lou Langford deLisser

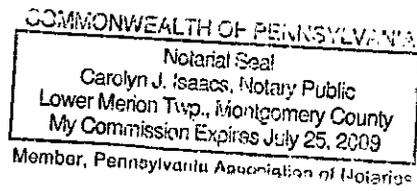
THE STATE OF PENNSYLVANIA
COUNTY OF Montgomery

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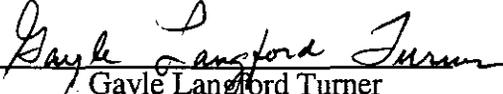
This instrument was acknowledged before me on this the 5 day of December
2008, by Lou Langford deLisser.

Carolyn J. Isaacs
Notary Public,
State of Pennsylvania

My commission expires: July 25, 2009



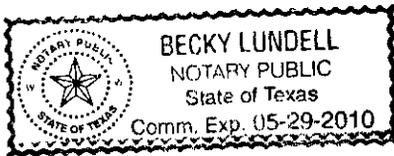
SIGNATURE PAGE FOR
GAYLE LANGFORD TURNER

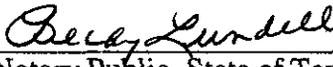

Gayle Langford Turner

THE STATE OF TEXAS §

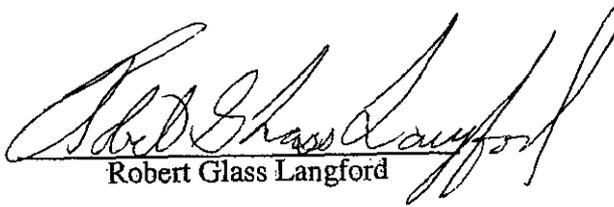
COUNTY OF CALDWELL §

This instrument was acknowledged before me on this the 3rd day of December,
2008, by Gayle Langford Turner.




Notary Public, State of Texas

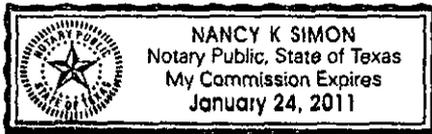
SIGNATURE PAGE FOR
ROBERT GLASS LANGFORD


Robert Glass Langford

THE STATE OF TEXAS §

COUNTY OF CALDWELL §

This instrument was acknowledged before me on this the 3 day of December, 2008
2008, by Robert Glass Langford.




Notary Public, State of Texas

SIGNATURE PAGE FOR
JEFFERSON M. LANGFORD



Jefferson M. Langford

THE STATE OF NEW MEXICO
COUNTY OF SANTA FE

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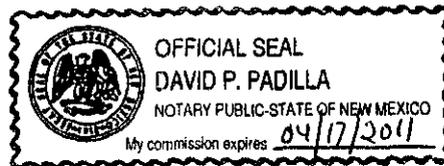
This instrument was acknowledged before me on this the 17th day of DECEMBER,
2008, by Jefferson M. Langford.



Notary Public,

State of NEW MEXICO

My commission expires: 04/17/2011





**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

**5.922 ACRES
SANTIAGO DEL VALLE GRANT**

A DESCRIPTION OF 5.922 ACRES IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 5.93 ACRE TRACT CALLED FOR IN A DEED OF GIFT DATED JANUARY 16, 1984, TO GAYLE ELIZABETH LANGFORD TURNER, ROBERT GLASS LANGFORD, JEFFERSON MILNER LANGFORD, AND LOU ANN LANGFORD NETARDUS, OF RECORD IN VOLUME 8422, PAGE 40 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.922 ACRES BEING A PORTION OF A 53.19 ACRE TRACT DESCRIBED IN A DEED OF RECORD TO ROBERT L. LANGFORD BY DEED DATED NOVEMBER 26, 1962 AND RECORDED IN VOLUME 2542, PAGE 463 THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.922 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found at the west corner of the said 53.19 acre tract, same being the south corner of a 16.92 acre tract described in a deed of record in Volume 706, Page 491 of the Deed Records of Travis County, Texas, also being the east corner of a 233.9 acre tract described in a deed of record in Volume 712, Page 250 of the Deed Records of Travis County, Texas, also being the north corner of a 129.356 acre tract described in a deed of record in Volume 5314, Page 1064 of the Deed Records of Travis County, Texas;

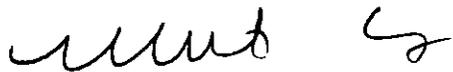
THENCE North 43°20'30" East, with the northwest line of the 53.19 acre tract, same being the southeast line of the said 16.92 acre tract, at a distance of 553.91 feet passing a 1/2" rebar with an aluminum TxDOT cap found, at a distance of 759.43 feet passing a 1/2" rebar with aluminum cap found, and continuing for a total distance of 760.26 feet to a calculated point in the south right-of-way line of State Highway 71 (right-of-way width varies), from which a broken concrete highway monument found bears North 60°56'02" West, a distance of 135.18 feet and North 83°15'21" West, a distance of 107.06 feet, and another concrete highway monument found bears North 29°01'46" East, a distance of 198.88 feet, North 60°58'14" West, a distance of 134.47 feet and North 39°02'02" West, a distance of 108.05 feet;

THENCE South 60°56'02" East, crossing the 53.19 acre tract, with the south right-of-way line of State Highway 71, a distance of 333.61 feet to a calculated point for the north corner of a 0.8492 acre tract described in a deed to the State of Texas, of record in Volume 13350, Page 566 of the Real Property Records of Travis County, Texas, same being the north corner of Lot 1, Bergstrom East Commercial Addition, a subdivision of record in Volume 97, Page 388 of the Plat Records of Travis County, Texas;

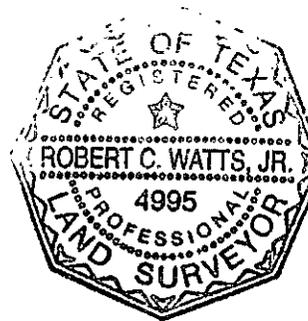
THENCE South 43°24'36" West, continuing across the 53.19 acre tract, with the northwest line of the said 0.8492 acre tract and the northwest line of said Lot 1, at a distance of 0.80 feet passing a 1/2" rebar found, at a distance of 164.84 feet passing 0.29 feet right of a 1/2" rebar with an aluminum TxDOT cap found at the called west corner of the 0.8492 acre tract, and continuing with the common line of the 53.19 acre tract and Lot 1 for a total distance of 838.11 feet to a 1/2" rebar found at the west corner of Lot 1, same being in the southwest line of the 53.19 acre tract, also being in the northeast line of the said 129.356 acre tract, from which a 1" iron pipe found bears South 47°26'37" East, a distance of 360.01 feet;

THENCE North 47°26'37" West, with the southwest line of the 53.19 acre tract, same being the northeast line of the 129.356 acre tract, a distance of 322.33 feet to the **POINT OF BEGINNING**, containing 5.922 acres of land, more or less.

Surveyed on the ground November 15, 2007. Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, based on GPS solutions. Attachments: Drawing 562-001-BD1.



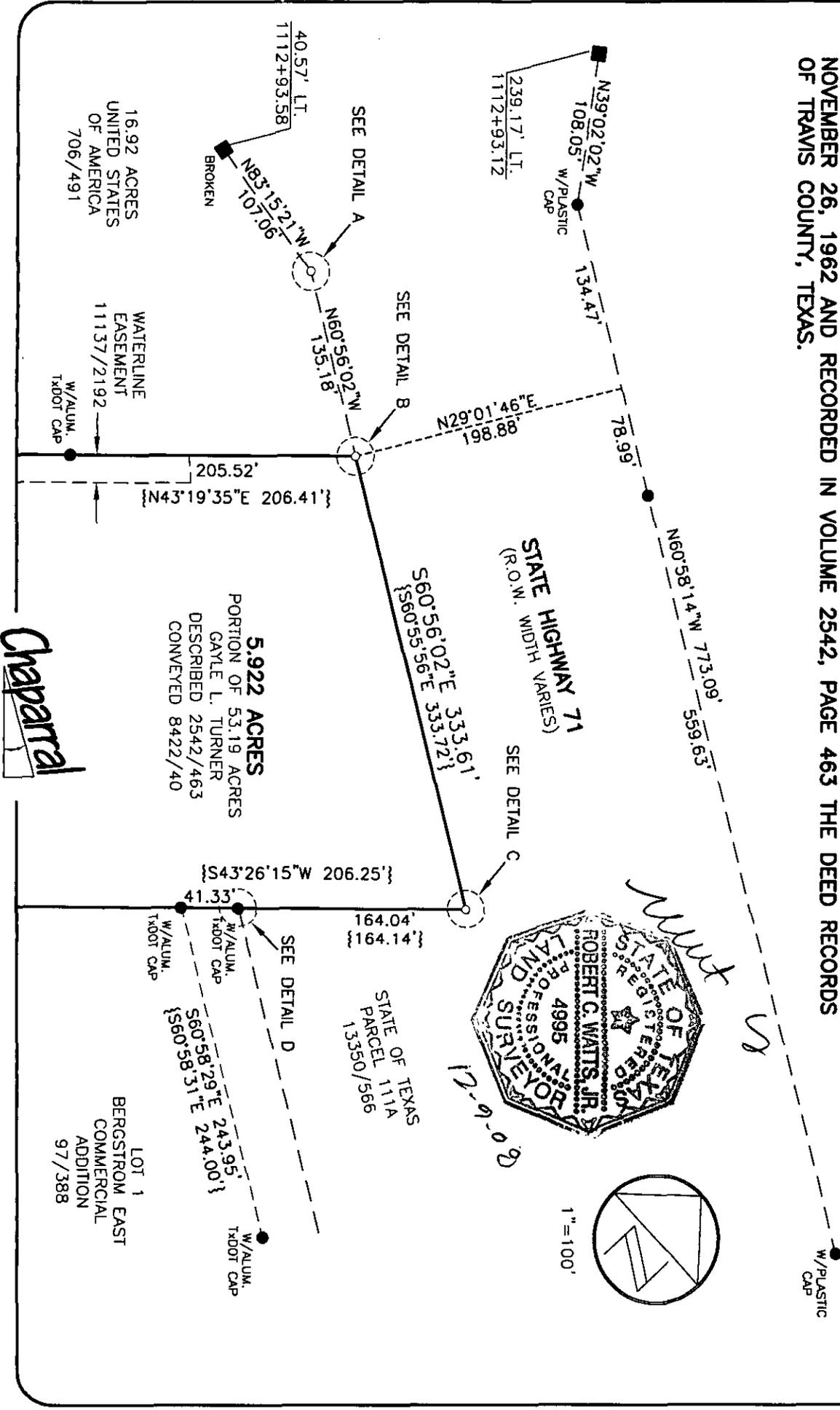
Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



12-9-08

SKETCH TO ACCOMPANY A DESCRIPTION OF 5.922 ACRES IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 5.93 ACRE TRACT CALLED FOR IN A DEED OF GIFT DATED JANUARY 16, 1984, TO GAYLE ELIZABETH LANGFORD TURNER, ROBERT GLASS LANGFORD, JEFFERSON MILNER LANGFORD, AND LOU ANN LANGFORD NETARDUS, OF RECORD IN VOLUME 8422, PAGE 40 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.922 ACRES BEING A PORTION OF A 53.19 ACRE TRACT DESCRIBED IN A DEED OF RECORD TO ROBERT L. LANGFORD BY DEED DATED NOVEMBER 26, 1962 AND RECORDED IN VOLUME 2542, PAGE 463 THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

DATE OF SURVEY: 11/15/07
 PLOT DATE: 12/09/08
 DRAWING NO.: 562-001-BD1
 PROJECT NO.: 562-001
 SHEET 1 OF 2

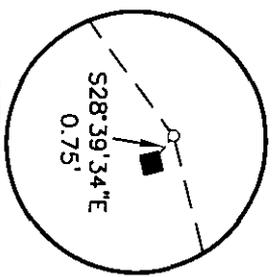


16.92 ACRES
UNITED STATES
OF AMERICA
706/491

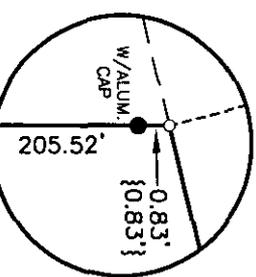
WATERLINE
EASEMENT
11137/2192
W/ALUM.
TXDOT CAP

{N43'

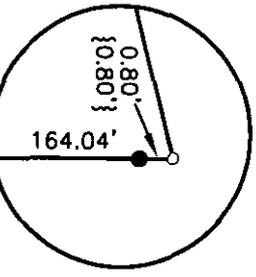
LOT 1
BERGSTROM EAST
COMMERCIAL
ADDITION
97/388



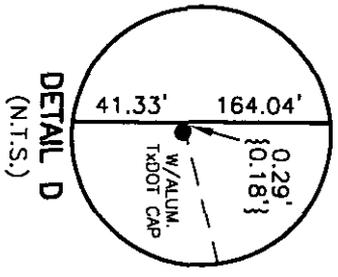
DETAIL A
(N.T.S.)



DETAIL B
(N.T.S.)



DETAIL C
(N.T.S.)



DETAIL D
(N.T.S.)

N43°20'30\"/>

553.91'

5.922 ACRES
PORTION OF 53.19 ACRES
GAYLE L. TURNER
DESCRIBED 2542/463
CONVEYED 8422/40

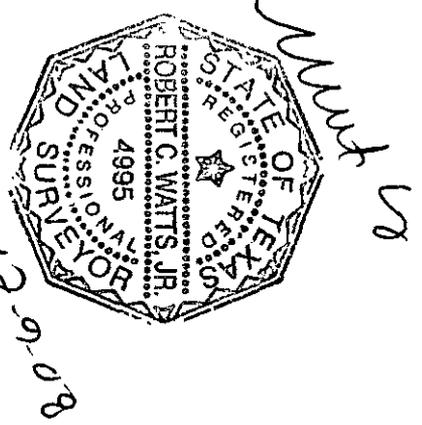
MATCHLINE

631.94'

S43°24'36\"/>

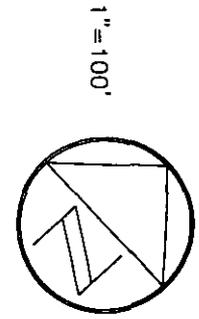
N47°26'37\"/>

S47°26'37\"/>



LEGEND	
●	1/2" REBAR FOUND
⊙	1" IRON PIPE FOUND
■	CONC. HIGHWAY MON. FOUND
○	CALCULATED POINT
()	RECORD 2542/463 CALL
[]	RECORD 97/388 CALL
{ }	RECORD TXDOT STRIP MAP CALL
	CSJ# 0113-13-086

BEARING BASIS: GRID AZIMUTH FOR TEXAS
CENTRAL ZONE STATE PLANE COORDINATES,
BASED ON GPS SOLUTIONS.
ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 562-001-BD1



233.9 ACRES
UNITED STATES
OF AMERICA
712/250

P.O.B.

129.356 ACRES
COUNTY OF TRAVIS
5314/1064

Chapparral

DATE OF SURVEY: 11/15/07
PLOT DATE: 12/09/08
DRAWING NO.: 562-001-BD1
PROJECT NO.: 562-001
SHEET 2 OF 2

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2008 Dec 16 09:41 AM 2008199248

FERGUSONLL \$56.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS